

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
*Executive Director*

*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

August 14, 2018

**BY ECF**

Honorable Richard J. Sullivan  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2304  
New York, New York 10007

**Re: United States v. Gary Tanaka  
05 Cr. 621 (RJS)**

Dear Judge Sullivan:

We respectfully write on behalf of our client, Gary Tanaka, to request an opportunity to examine the Government's Motion Seeking an Order of Forfeiture as to substitute assets of Mr. Tanaka, and to write in opposition to that Motion if applicable. We received this Motion just hours ago.

As the Court is aware, our office was assigned to represent Mr. Tanaka after more than one decade of litigation. We represented Mr. Tanaka solely in reference to the issue of a fine which had been previously imposed. If our representation continues, we would like an opportunity to review, what this court has previously described as a "voluminous record," in order to determine if a motion in opposition should be filed.

There are complicated issues not the least of which may involve parallel civil proceedings which are still pending on appeal. Accordingly, we ask for a sufficient amount of time to get up to speed on the record and if appropriate file a response to the Government's Motion.

As the Government has noted in their Motion, almost all of the \$26,637,502 ordered in restitution has been paid. (Government Motion at 6-7). The defendants have no access to any available assets which are all in the hands of a Receiver.

Accordingly, we request a reasonable opportunity to review the record in this case and file a Motion in opposition if warranted.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Baum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert M. Baum  
Barry D. Leiwant  
Federal Defenders of New York

cc: Joshua A. Naftalis  
Assistant United States Attorney

Michael Bachrach, Esq.  
Counsel for Vilar